IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 236 OF 2007
IN
CRIMINAL APPEAL NO. 204 OF 2007

Michael @ Bunty Luiciano D'sa ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. A.S. Rajadhyaksha, Advocate for the applicant.
Ms. S.V. Gajare, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 22ND MARCH, 2007.

P.C.

. Heard Mr. Rajadhyaksha, learned Counsel for the applicant and Ms. Gajare, learned APP for the State. The applicant was convicted by the Additional Sessions Judge, Greater Mumbai in Sessions Case No.68/2006 for the offence punishable under Section 342 and 376 of Indian Penal Code. On the charge of rape he was awarded R.I. for four years and fine of Rs. 50,000/- He has preferred the appeal challenging conviction and sentence. The appeal is admitted. By this application, the applicant seeks to be released on bail.

2. Ms. Gajare, learned A.P.P makes a statement

that the State has preferred the appeal for enhancement of sentence. With the help of learned Counsel, I have perused the Judgment and relevant evidence of the prosecutrix. The circumstances disclosed in the F.I.R. and the prosecution evidence go to show that the present applicant had committed rape on the prosecutirx, who was called to his bungalow under the pretext of cleaning the same. The applicant was not on bail during the trial. Taking into consideration the facts disclosed in the F.I.R. and the prosecution evidence, I find that it is not a fit case to grant bail, though the sentence is short.

3. The application stands rejected.

(J.H. BHATIA, J.)

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CRIMINAL APPLICATION NO. 236 OF 2007

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V/s
The State of Maharashtra ..Respondent.

Mr. A.S. Rajadhyaksha, Advocate for the Appellant
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4. In this appeal, Criminal Application for bail filed by the appellant is rejected. The learned Counsel for the appellant is granted liberty to submit private paper book and fixation of the matter for early hearing. S.O. two weeks for production of private paper book. If the State appeal for enhancement of sentence is registered, it be also placed along with the present appeal.

(J.H. BHATIA, J.)